

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:12-HC-2149-FL

EDDIE RAY KAHN, )  
                        )  
Petitioner,         )  
                        )  
v.                    )                           ORDER  
                        )  
JONATHAN C. MINER, )  
                        )  
Respondent.         )  
                        )

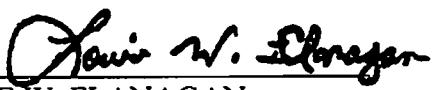
Petitioner, a federal inmate, filed this habeas petition for a writ of habeas corpus ad subjiciendum. The matter is before the court for a preliminary review under 28 U.S.C. § 2243, which provides that the court need not seek a response from the respondent when it is clear on the face of the petition that petitioner is not entitled to relief.

Although petitioner captions his petition a request for a writ of habeas corpus ad subjiciendum, the court construes his petition as a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. See United States v. Winestock, 340 F.3d 200, 203 (4th Cir. 2003) (Finding that the court has the responsibility to classify a petition according to its contents and not its caption); Burgess v. Warden, FCI-Marianna, No. 2:11-1621-CMC-BHH, 2011 WL 4345434, at \*n1 (D.S.C. July 21, 2011) (citing United States v. Moussaoui, 382 F.3d 453, 465 (4th Cir. 2004)). Petitioner further is notified that his petition was not filed on the form prescribed by Local Civil Rule 81.2 of this court. Finally, the court notifies petitioner that the allegations in his petition are unclear.

Accordingly, he must particularize his petition and state specifically each of his grounds for relief in the space provided on the § 2241 petition.

In sum, the Clerk of Court is DIRECTED to send petitioner a copy of the form necessary to file his habeas petition. Petitioner must particularize his petition within twenty-one (21) days of this order. Failure to respond to this order will result in the dismissal of the action without prejudice.

SO ORDERED, this the 21<sup>st</sup> day of August, 2012.

  
LOUISE W. FLANAGAN  
United States District Judge